

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Gary Steven Mansell, Sr.,)
Plaintiff,) Civil Action No. 6:05-cv-445-HFF-BHH
vs.)
John E. Potter, Postmaster General,)
United States Postal Service, and)
National Association of Letter Carriers,)
Defendants.)

)

REPORT OF MAGISTRATE JUDGE

The plaintiff is proceeding in this action *pro se*. On August 29, 2005 and September 21, 2005, the National Association of Letter Carriers and John E. Potter filed motions to dismiss, respectively. On August 30, 2005, and again on September 22, 2005, pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), the plaintiff was advised of the rules pertaining to a motion to dismiss and the possible consequences if he failed to respond adequately. Despite this explanation, the plaintiff elected not to respond to the motions.

As the plaintiff is proceeding *pro se*, the Court filed a third order on October 31, 2005, giving the plaintiff through November 23, 2005, to file his response to the motions to dismiss. The plaintiff was specifically advised that if he failed to respond, this action would be dismissed for failure to prosecute. The plaintiff elected not to respond.

Based on the foregoing, it appears the plaintiff no longer wishes to pursue this action. The plaintiff has filed no response to the pending motions to dismiss and has otherwise not made any contact with the Court concerning the matter. Accordingly, it is

recommended that this action be dismissed for lack of prosecution pursuant to Rule 41(b) of the Federal Rules of Civil Procedure and the factors outlined in *Chandler Leasing Corp. v. Lopez*, 669 F.2d 919, 920 (4th Cir.1982). See *Ballard v. Carlson*, 882 F.2d 93 (4th Cir. 1989).

s/Bruce H. Hendricks
United States Magistrate Judge

January 27, 2006
Greenville, South Carolina